

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re ANTHONY PETTAWAY, C-17572,) ORDER OF DISMISSAL
Plaintiff.) (Docket #4 & 5)

On November 7, 2012, the clerk filed as a new action a letter by plaintiff complaining of the conditions of his confinement. On that same date, the court notified plaintiff that the action was deficient because he did not file an actual complaint or pay the requisite \$350.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis (IFP) application.

Plaintiff has responded by filing an IFP application and a request for leave to exhaust his administrative remedies. Plaintiff explains that he did not anticipate filing an action when he submitted his letter and therefore has not exhausted his prison administrative remedies, as is required by 42 U.S.C. § 1997e(a).

Under the circumstances, the court finds that plaintiff's letter was not properly filed as a new action and is DISMISSED without prejudice to his filing a new action after exhausting prison administrative remedies.

The clerk shall terminate the pending motions (docket # 4 & 5) as moot and close the file. No filing fee is due.

SO ORDERED.

DATED: Dec. 18, 2012

CHARLES R. BREYER
United States District Judge